

## Needs Assessment of the Moroccan Labor Administration System

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## **Needs Assessment of the Moroccan Labor Administration System**

### **Report of the Mission Conducted November 19-29, 2002**

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[sponsored by the International Labor Organization]

#### **Goal of the Mission**

The mission was intended to identify the legal and institutional shortcomings and constraints affecting the Labor Administration and to evaluate the resources, including material resources, for remedying these problems. The consultant's mandate is described in Annex 1.

#### **Structure of the Report**

The report is broken down into seven parts, as specified in the table of contents. The final two sections offer, respectively, a diagnosis of present circumstances and the series of measures that could improve them.

#### **1. Summary and Findings**

The consultant stayed in Morocco for ten days, during which time he visited eight branch employment offices and spoke with the directors of the Labor Administration (LA) and with its civil society partners. His goal was to investigate the current status of oversight operations, to uncover obstacles to performance, and to suggest means, including material resources, that could remove these constraints. The central LA offices belong to a vast entity, and its budget amounts to only 3% of the ministry's budget. The Administration's branch offices take up 20% of the budget and, in the main, perform tasks falling within the Labor Administration's purview. The LA and branch offices fulfill four functions: labor law, workplace inspections, conflict resolution, and occupational medicine, hygiene, and safety.

As regards legislation, for the last four years the LA has focused on the drafting of a labor code. A text comprising 576 articles has been written, and agreement has been reached among its civil society partners on 570 of them. The six remaining articles have proved controversial, and, as a result, this undertaking has been frozen in Parliament. Workplace inspections are assigned to 250 inspectors, who conducted 36,000 workplace inspections at the 8,000 officially listed companies in 2001. These efforts have been judged insufficient, however, since the firms that were inspected represent only 10% of all existing ones; because the inspectors spend too much time settling disputes; and because these inspectors lack training, documentation, and means of travel. There are virtually no workplace inspections conducted in the rural areas. The LA has achieved noteworthy successes in the area of conflict resolution: 70% of disputes are settled by the workplace inspectorate, and the majority of strikes are avoided. A team of 43 highly-qualified individuals assumes responsibility for safeguarding worker health and for preventing workplace accidents. These persons propose and enforce labor laws, but do

not really fit in with the other LA personnel. They remain underused by virtue of the lack of technical assessment instruments, of documentation, and of means of travel.

There are ways of improving LA performance. The most important measure involves instituting a permanent training function intended for all managerial personnel, and, in particular, for the workplace inspectors. Training should focus on the actual functions performed and on the use of new work methods and tools. The budget should provide funds for one week of training per inspector per year. A second step would be to develop the computer system so that it can produce data that would facilitate resource management and managerial decision-making. Additionally, steps should be taken to introduce to managers and decision-makers more streamlined methods for managing human and material resources and provide training in these subjects. A consulting mission should be sent to the LA to assist in securing adoption of the draft labor code. Finally, the LA must be given the material resources it needs to carry out these tasks.

As regards funding levels, \$20,000 should be made available for carrying out preliminary infrastructure preparation; \$25,000 for establishing a minimum documentation library at each of the 45 branch offices; \$20,000 for the materials needed for the training courses; \$70,000 for the acquisition of computer hardware and software; \$60,000 for fitting out a pilot occupational medical, safety, and health center in Casablanca; and finally, \$310,000 for the purchase of 45 vehicles (two- and four-wheel) for the use of the central LA and, in particular, for the outlying offices. In this area, the LA must preliminarily give its assurance that it will bear the costs of fuel, insurance, and upkeep of the vehicles. These vehicles should be ordered in batches of ten or twelve over two years, and any given order should potentially be cancelled if the preceding one has not provided adequate operational support. Management of this equipment should be assigned to a qualified local administrator.

## **2. Conduct of the Mission**

The mission took place over eight working days, from November 19-29, 2002. The consultant visited eight regional or prefectorial employment offices (the names of these offices are listed in Annex 2), a sample that was held to be representative of the circumstances in the 45 offices spread throughout the country. Virtually all of the directors and managers were interviewed, both at the central labor administration in Rabat and at the eight branch offices. In addition, persons using the services of the Labor Administration (LA) were interviewed, in particular representatives of the Federation of Chambers of Commerce and the General Confederation of Moroccan Employers [Confédération Générale des Employeurs du Maroc] (CGEM), as well as representatives of the three most important trade union confederations, the Union Marocaine des Travailleurs (UMT), the Confédération des Travailleurs (CDT), and the Union Générale des Travailleurs du Maroc (UGTM). A list of the persons interviewed appears in Annex 3.

### **3. The Diagnostic Method**

The method employed for the evaluation was comparable to that used for a pragmatic field survey. This survey was conducted in four phases: a first, preliminary phase bearing on analysis of the information contained in the copious existing documentation (UNDP and World Bank studies and reports, project documents, reports submitted by previous missions, etc.); a second phase involving the direct gathering of data through personal interviews, during which the persons questioned by the consultant were asked both to answer targeted questions and to express themselves freely about their perception of their work situation and about the ways to improve it; a third phase entailing the ordering, priority ranking, and checking of the information thus collected (checking was carried out by consulting LA internal documents, activity reports, memorandums, budget proposals, statistics, etc., and by cross-checking the opinions put forward by directors and managerial personnel of the central administration with the views of managers and agents posted in the outlying offices and with those of the LA civil society partners); and a fourth, final authentication phase, during which senior officials were asked to give their oral reactions to the initial diagnostic findings and to a number of concluding ideas. The survey benefited strongly from the climate of cordial cooperation and absolute transparency that grew up naturally between the consultant and his Moroccan hosts. As a result, this mission gained much in credibility.

### **4. Budgetary and Institutional Context**

The Moroccan Ministry of Labor has undergone numerous reorganizations and modifications over the years. The most profound of these changes dates from September 2000, when the Ministry of Employment, Vocational Training, Solidarity, and Social Development (MEFPSDS) was created by decree. After the elections of October 2002 and the formation of a new government, the vocational training component was removed from the Ministry of Employment and elevated to the rank of Office of Under-Secretary reporting to the Prime Minister. Currently, therefore, the Ministry comprises six administrations: Labor; Employment; Workers' Social Welfare; Social Affairs', War Against Illiteracy; and Human Resources, Budget, and General Affairs. Moreover, the government that was appointed in October 2002 reaffirmed the Decree of September 2000, which integrated into the Ministry the Department of National Support Services and an office with special responsibility for the Status of Women, Protection of the Family and Children, and the Rehabilitation of the Disabled.

Accordingly, the Labor Administration forms one component of a vast entity that employs 1,600 officials and agents of all grades (including 440 senior managers) posted throughout Morocco, and of whom about one-half work at central headquarters in Rabat (of which 147 are senior managers). The total 2001 budget of the Ministry (before reassignment of the Vocational Training department) amounted to some \$930 million, a sum that represents 0.9% of the budget allocated to all ministries.

The LA has 9 senior managers posted to the Rabat central offices. Its operating budget is 3% of the budget for the entire ministry. External service provision is divided

up among 45 regional and prefectorial branch employment offices and 84 district offices. With the exception of the Employment Office, which has a separate territorial network, the external branch offices (called branch employment offices, which must not be confused with the external offices of the Office of Employment) represent, in principle, the entire range of ministerial functions; in fact, though, 80% of their duties are focused on workplace inspection and the prevention and resolution of conflicts. A force of 250 workplace inspectors posted at these branch offices carries out these functions. Therefore, the Ministry's external branch offices are, above all, an extension of the Labor Administration alone. If the budgetary allocations to the external offices are added to those made to the central office, the budget appropriated for the LA accounts for 20% of the total ministry budget.

## **5. LA Mandate and Structure**

The LA has a four-fold mission:

- Draft and negotiate laws and regulations concerning labor and employment in consultation, as required, with other branches of government, other departments within the Ministry, and with its civil society partners.
- Ensure enforcement of the legislation and regulations in force concerning labor and employment.
- Prevent individual and collective disputes and assist in their settlement.
- Prevent risks and ensure worker health and safety in the workplace.

Besides these missions, another one was added in 1996: promoting and stimulating community dialogue, a mission that has taken on growing importance in the eyes of the government.

Traditionally, both the government and employers viewed the trade unions as a necessary nuisance, an unavoidable obstacle to the production effort. However, the agreement establishing membership in the WTO, the support of the Declaration of the ILO, the agreement of partnership with the European Union, and the serious social conflicts that shook the country in the early 1990s prompted the government to review its policy. As a result, a solemn agreement signed in August 1996 between the government and the union federations acknowledged the importance of social dialogue as a means to inaugurate permanent relations based on the search for social peace. As the months passed, the policy of social dialogue took on concrete forms and became institutionalized through the formation of various tripartite consultative and negotiating committees, most notably the Special Arbitration Committee chaired by the Prime Minister and charged with settling unresolved collective disputes; the National and Provincial Commissions of Inquiry and Conciliation that also search for the solutions to collective disputes; the Committee on Dialogue for Formulation of the Draft Labor Code; and ad hoc technical assemblies for monitoring social disputes and finding the means to prevent them. In this

same spirit, in May 1999 the government convened the High Council on Collective Agreements for the first time in forty years.

Whether acting in its own capacity, as an agent of the government, or in support of the Prime Minister, the LA is involved in leading and stimulating social dialogue.

The central LA comprises four divisions, each of which has two departments. The LA organizational chart appears in Annex 4 [not included in text sent for translation]. As already stated, the external services are provided through 45 regional and prefectorial branch Offices of Employment, which oversee 84 district offices. These offices are staffed by 400 managers and agents, 250 of whom are workplace inspectors.

Since 1998, the budget for the LA and the external branch offices has registered no increase. In real terms, allocations have even reduced, given that appropriations intended to pay certain operating costs, e.g., purchases of supplies or travel allowances, have remained nominally unchanged, while the costs required to ensure these operations have increased.

## **6. LA Mission: Achievements and Constraints**

In this section, we will examine the achievements and constraints pertaining to each of the four functions cited in the preceding section. Strictly speaking, social dialogue is not considered to be a true function having a budget and a team of managers charged with precise tasks (except, of course, when the National and Provincial Commissions of Inquiry and Conciliation must be prepared and directed, or when assistance is required for the work of the other committees established pursuant to the Agreement of August 1996), but rather something like a policy, a state of mind, and a pattern of behavior that cuts across all of the traditional functions. Separate sections will be devoted to each of the major functions.

### ***6.1 Labor Legislation***

Since 1998, the LA's primary focus in this area has been on the drafting of a new labor code. This initiative was intended, at least in principle, to meet a universally recognized need. Attempts had already been made, most notably in 1979, 1993, 1994 and 1995, to approach the matter seriously. However, because of the climate of a society in conflict, these were vain efforts. In 1998, therefore, the civil society partners (with the exception of one trade union federation) directly affected by labor law enforcement acknowledged the urgent need for a text which, on the one hand, would reassemble and update older, scattered legal texts (since some provisions dated from the Protectorate era), and second, would fill major gaps.

At the name of his appointment in 1998, the Director of Labor's primary mandate was to resume work on the draft code. Accordingly, the LA sought the assistance of a renowned jurist possessing recognized skills and began a very long process of consultation and negotiation with the civil society partners under the auspices of a

tripartite committee that had been established for this purpose, as well as with ad hoc task forces.

The results of these efforts have been compelling. A draft containing 576 articles was prepared and agreement on 570 of the articles was reached with the civil society partners. Six remained. They bore mainly on the principle of regulating the right to strike, the nature of labor contracts, and employment termination methods, subjects on which employers and workers opposed each other with insurmountable force.

Nevertheless, the LA prepared a final draft code, which won approval by the Minister, by the Council of Government in December 1999, and in the Council of Ministers in March 2000.

Since that date, the draft code has remained stranded in the Legislative Committee of Parliament, where the union-supported deputies (en particulier by the UMT) objected even to placing the draft on the agenda for action by the committee. In their most recent speeches, the King, and the Prime Minister elected in October 2002, have stressed again the importance of a productive, favorable social climate; they exhorted the civil society partners and Parliament to accelerate approval of the labor code.

Beyond all doubt, the LA's operations are blocked by the lack of updated, uniform legislation. This major obstacle now eludes any power on its part to act decisively.

## ***6.2 Workplace Inspections***

In 2001, 250 Labor Administration inspectors conducted 32,000 inspections at 8,000 firms registered in LA files. These figures may be regarded as an indicator of a well-executed inspection function. Each firm registered received on average 4 visits per year; each inspector made, again on average, 13 visits per month, a rate that was calculated based on ten months of actual work per year.

In reality, however, these figures conceal major problems. The number of firms listed in the files was calculated by the inspectors themselves, who, at the time that the computerized files were put in service in 1999, answered a questionnaire and supplied data about the firms they knew and that they had gathered randomly during their visits. The computerization exercise was never completed, and the 8,000 figure represents not the total number of firms needing inspection, but rather the number of firms listed in the files at the time the computerization exercise broke off. The number of firms requiring inspection is much closer to the number of firms affiliated with the National Social Security Office, that is, about 80,000, or ten times the number known to the workplace inspectors. It may be hypothesized that the total number of firms is greater still, given that the number of firms of all sizes to which the Finance Minister issues a trade license, (which formally acknowledges the right to engage in a manufacturing or services business) is 800,000, or 100 times greater than the number known to the workplace inspectors.

Furthermore, inspection quality remains highly uneven. Visits are often limited to examining the personnel and payroll books, while neglecting working conditions in shops and at worksites. The inspectors are the first to admit that health and safety are not investigated because of their lack of knowledge in these areas.

Because the inspectors have available absolutely no means of travel (travel allowance are given in a lump sum amount of 500 dirhams, i.e., 50 dollars per inspector per month), they most often restrict their visits to firms that are easily accessible by bus or on foot. Inspections in the agricultural and forest products industry take place under deplorable conditions. This sector employs 40% of the working population and accounts for 20% of GDP. It numbers 80,000 production operations and remains stable at 136,000 wage-earning jobs. Inspection of this huge sector is the responsibility of 32 inspectors posted to this same number of rural branch offices. In 2001, 1,200 inspections were conducted, or on average four visits per inspector per month.

Inspections require reports that are prepared on a standardized form and are fed into a computerized statistical data-entry system that is operated from the central offices. However, while the statistical data are an accurate indicator of the volume of work actually performed, they are not processed in such a way as to serve as a decision-making or management tool (for example, in order to identify high-risk sectors of activity, areas having a high violation rate, regions covered minimally by inspections, etc.).

If otherwise structured and provided with resources, the Moroccan workplace inspection function could more effectively realize its potential. The great majority of inspectors have strong basic training (the competitive admissions examination requires a degree in law or economics or a diploma from the National School of Administration), but they lack both specific training and the motivation needed to fulfill their duties.

The State that they serve gives the inspectors the impression that they are part of a force that is gradually disappearing. Retired inspectors are not replaced, and their positions are transferred to other ministry departments. The career paths of inspectors are severely limited and are governed by only two tracks, or, in extraordinary circumstances, three. Salaries, which are, incidentally, quite low (approximately \$800 monthly) in relation to the cost of living and to those paid by the private sector or even by autonomous State service entities for equivalent skill levels, do not provide for any performance bonus. Access to on-the-job training is virtually non-existent. For many years, the inspectors' association, which counts all working inspectors as members, has endeavored to gain an enhanced professional status, as have, for example, the associations of judges or agents of the National Social Security Office. These efforts have remained fruitless.

As regards the professional environment, inspectors suffer the full sting of the serious corporate tensions that persist in the world of production. Many of the firms they visit are fighting for survival. If the labor laws were enforced with all due rigor, these firms would slide into bankruptcy. In this situation, the inspectors feel torn between the



need to refrain from endangering the firms they inspect and the need to demand compliance with workers' rights. These tensions are at the root of numerous disputes, to the resolution of which they devote a substantial part of their time (see the next section).

The judicial climate is scarcely more encouraging. The inspectors' reports are filed with the courts charged with punishing the offenders. But these reports sink beneath the sands of court procedures, at the end of which these reports are either filed with no further action, or communicated too late to retain any deterrent effect whatever.

Finally, as to material means, the inspection function is severely lacking in the resources needed, first, to gather information and assess the current situation, and second, to move around. This aspect will be examined in Section 7.5.

### ***6.3 Conflict Resolution***

Workplace inspectors are directly involved in settling disputes, both individual and collective. On average, they devote 70% of their time to this function. They serve, in fact, as the front-line and primary buffer for social conflicts, and 70% of all individual and collective disputes are resolved during inspection and through the offices of the inspector. In 2001, 35,000 individual disputes broke out in Morocco, of which 25,000 were settled during the conciliation phase of workplace inspections and 10,000 were referred to the public prosecutor's office. During that same year, 850 of the 1,200 collective disputes were settled during conciliation procedures.

Collective disputes are heard first in conciliation proceedings at the branch employment offices, which summon the parties and offer a path to resolution. In the event of failure, the disputes are submitted to a provincial committee of inquiry and conciliation chaired by the prefect or his representative, and in which the inspectors and the employment office representative take an active role. Should this proceeding fail, the dispute is referred for settlement to a national committee of inquiry and conciliation chaired by the Director of Labor. In 2001, 10 national committees met. In highly contentious cases, the matter is submitted for study and arbitration to a special committee chaired by the Prime Minister. In 2001, two disputes reached this level of arbitration.

Through the conciliation system, approximately 1,000 strikes were avoided in 2001, thereby saving 90,000 workdays, as calculated on the basis of one strike day avoided for each worker involved in the dispute.

Conflict management absorbs a great deal of workplace inspection's energy and diverts it from its primary function, i.e., monitoring. This function has become entrenched in practice, but is subject to no statutory oversight. This legislative and statutory void prevents the LA from exercising any coercive power whenever agreements reached during conciliation fail to gain the compliance of either of the parties. Similarly, the resolution of an individual conflict through the inspection function does not prevent either of the parties from submitting this same dispute to a decision of the court.

Undeniably, as regards conflict resolution, the workplace inspection office expends considerable effort and achieves remarkable results. However, measures designed to anticipate and prevent disputes are inadequate. To ensure more well-honed prevention efforts, the information collected must be more exhaustive, despite the climate of urgency in which conflict management takes place, so as to allow more in-depth analysis of past disputes and to enable each branch office to profit from the experience of others.

Paradoxically, the favorable results obtained in the area of conflict resolution only sharpen the bitterness of the inspectors, since they find themselves involved under the pressure of events, without specific preliminary training, and outside any regulatory regime. Moreover, they feel they are subject to the criticism that they have not properly fulfilled their primary inspection function. Bitterness turns into exasperation because, while proclaiming incessantly the importance of dialogue and social calm, political leaders pursue their administrative function by treating the front-line agents of social calm, i.e., the inspectors, as a body of redundant, ossified civil servants.

#### ***6.4 Occupational Medicine, Hygiene, and Safety***

The Division of Medicine, Hygiene, and Safety is a relatively new creation, dating from 1996. This Division comprises two older offices: the Office of Hygiene and Safety established in 1988 and the Office of Occupational Medicine, created in 1992.

The Division's primary mission is to draft legislative and regulatory texts, to issue lead-import permits, to examine requests and issue approvals for the use of lifting devices and electrical wiring, and to issue permits to occupational medicine services, as mandated by law for firms having more than 50 employees on the payroll. Operationally, the Division monitors the work of these occupational medicine services and inspects firms of all sizes that use products classified as hazardous.

These tasks are conducted by a team of 43 physicians, engineers and hygienists, half of whom work at the central offices in Rabat and the other half are posted to three regions, Casablanca, Rabat, and Meknès. Thus, 11 physician-inspectors, 2 safety engineers, and 8 hygienists are seconded regionally.

The Ministry of Employment has allocated a considerable amount of funds in order to form a team of highly skilled professionals. However, this human potential remains underused. A number of constraints can be readily identified:

- Certified and registered occupational medicine services are relatively few in number: there are 1,006 of them, even though firms having more than 50 workers on the payroll number 3,000.
- There are relatively few opportunities for training and education in prevention for generalist inspectors and for companies as compared with the issuance of permits and inspection operations.

- There is poor cooperation between physician-inspectors and generalist inspectors. The mindset and behaviors of the two bodies are divergent, and one notes a trend toward the establishment of separate inspection channels rather than collaboration and the exchange of information and experiences.
- Physician-inspectors and engineers are ostensibly under-equipped. The lack of measuring instruments, protective equipment, documentation, and means of transport prevent the investment in human resources already made from being entirely fruitful.

## **7. Measures Intended to Remove Obstacles and to Improve Operation of the Labor Administration**

In this section, we cite only the measures whose implementation comes within the purview of the LA. We will not mention all of those which could contribute to the enhanced operational effectiveness of the Labor Administration, but which do not fall specifically within its sphere of action: e.g., granting special status to workplace inspectors, increased salaries and the readjustment of travel allowances, modification of the methods used to draft ministerial budgets, greater decentralization of decision-making, and greater speed and transparency of judicial proceedings. We can cite four measures that the LA is empowered to adopt. The following sections will look at them successively.

### ***7.1 The Training Function***

Except for a few courses held intermittently or on the occasion of a specific program of cooperation (e.g., a program on working children), the LA agents have had no structured training either at the beginning or during their careers. The quality of their performance is subject to the vagaries of initial on-the-job training and any subsequent self-training that has occurred during work. If the example provided by the highest-performing public services is used, it seems imperative that the LA incorporate on-the-job training as one of its functions.

Training should focus primarily on the execution of duties that are carried out on a daily basis by the workplace inspectors. These tasks should be divided into units (e.g., inspection policy and objectives, planning of visits, interviews with employers, report writing, conciliation talks, etc), each of which should be the subject of very highly practical educational programs.

The training program should incorporate job-entry training provided at the time the agents are appointed, development training given periodically over the agent's career, update training when the agent's duties are changed (technological innovation, new statutory provisions, etc.), and redeployment training when the agent is promoted or transferred to other regions.

Special training intended for a force of special agents should be the province of trainers who know the field in depth or have had the job in question. Accordingly, any LA training function should start with training of trainers who are workplace inspectors possessing an aptitude for teaching.

Certain units, such as the one devoted to conciliation, may be open to other trainees interested in this procedure, such as employers' and workers' representatives.

Training programs should be held under the auspices of the Institute of Labor, an entity created within the Ministry of Employment and notoriously under-utilized. Physically, this training could take place on the premises of the Institute in Rabat, or in the main cities of the major regions that encompass different branch employment offices.

The example of countries that have strengthened the training function suggests that a minimum training budget/time should be about one week per agent per year.

The current force of 250 inspectors and 84 district managers could yield a team of about six agents possessing the skills to become permanent trainers. To these latter one could add occasional trainers to whom theoretical courses would be assigned, for example in labor law or courses specially tailored, for example, to the introduction to a particular computer software or a new method of data entry.

In locations where the training function is carried out, it serves to motivate the inspectors in their work. Individual motivation and improved performance [tr. note: sentence is garbled at this point] [and] new knowledge gained may yield spectacular improvements in the work performed by the workplace inspectors. Such improvement would more than compensate for the time spent by six trainers withdrawn from active service.

If this training function were introduced, the cooperative project could provide necessary assistance. A specialist in inspector training could, within one year, select and train trainers; prepare an in-depth training budget/schedule; prepare the training modules; assist in the design of the subject matter and educational methodologies; and adapt for local circumstances the operating manuals for inspectors as they now exist in more advanced countries.

Within the scope of the training function, it would be advisable to ensure that the project provide for the funding of a number of training courses (i.e., six or seven, each lasting two to three months) at foreign counterpart organizations for the managers or agents who could benefit the most from this experience and who would be most likely to apply in their work environment the teachings they have assimilated.

## ***7.2 Computerization/Information Function***

The LA and a large number of the external branch offices (i.e., nearly half) already possess computer hardware, which remains, however, under-utilized. In the

outlying offices, computers are not used to enter statistical data or to gather them. These data are entered by hand, collected monthly (again, by hand) in standardized charts, and faxed to the LA in Rabat. Once these data have been sent, the directors of the external offices do not hear anything more about the data thus communicated until the time the Ministry publishes the yearly activities report, which arranges in summary charts the data that the branch offices submitted during the course of the year. At the LA, the software is designed basically to bring together and publish at regular intervals the data concerning the activities of the entire branch office network. These intervals are sometimes very short, as in the case of sensitive data such as those bearing on strikes that were actually triggered or avoided.

The existing computer capabilities are not used to yield data that are useful for decision-making or management. The computer systems do not, moreover, make it possible to connect the branch offices among themselves. Nor do current programs make it possible to cross-reference the variables among themselves, so as to detect, for example, business sectors and geographic areas in which the highest number of disputes occur or the frequency of certain kinds of workplace accidents classified by business sector and geographic region. The data do not make it possible allocate the LA's human and material resources among the various geographic regions on a rationalized basis, for example as a function of the density of industrial concentration or the level of occurrence of disputes. In short, computerization does not enter into the equation during the entire data-production process, from initial data collection to final publication, but only at the final stage of the process, when the LA prepares summary tables reflecting the volume of actual operations.

The LA could use computerization to disseminate among its clients (i.e., civil society partners, individual firms, partner organizations, and universities) a series of informational bulletins concerning LA activities, projects currently being implemented, strike trends, successful experiments, etc. It could do so, but does not. Each client obtains the information it needs by resorting to archaic methods that eat up time, such as the mail or telephone calls to acquaintances. Given its current funding levels, the LA does not contemplate installing a website or even launching a public informational campaign using more traditional media.

The BIT project could assist the LA in acquiring a true computer system for management and computerized information dissemination. A consultant could help, first, to put a system in place by seeking the aid of the computer division (which is, incidentally, highly skilled) that already exists within the Ministry, and second, to train system users. The consultant mission could plausibly last for one year and be broken down into several (three or four) sessions of three to four months each.

### ***7.3 Management Function***

LA operations are managed using the methods commonly applied in the most traditional public administrations. They are based on the rigorous enforcement of regulations and on a communications system that extends along the entire length of

established hierarchical channels. Although the LA work environment is suffused with an administrative culture that places prime importance on the constant admonition to comply with procedures, enough latitude remains to allow the introduction of more advanced management methods modeled on those of the most modern companies.

A more flexible conception of resource management would bring about better use of equipment, more effective involvement and enhanced motivation of agents, and, ultimately, improved efficiency of the Labor Administration's system.

The management function could, in particular, highlight and implement effective techniques for maintenance, staff motivation, space and time organization, the conduct of meetings, consultations for the purpose of decision-making, delegation of authority based on trust and not mistrust, supervision effected after the fact rather than during the entire operational process, etc.

A consultant working at the Administration for a six-month period could train a small team of specially chosen Moroccan trainers to enable them to develop their knowledge and teach effective management techniques to LA managerial personnel.

#### ***7.4 Labor Code Function***

With the exception of a few trade union communities which, rooted in the certainties of a bygone era, abuse their obstructionist power, no one, not the King, the government, the majority of the workforce, or foreign investors deny the usefulness of having an updated labor code that brings together provisions relating to workplace conditions.

In order to rescue the work on the draft code from the impasse in which it now sits, the ILO project could set aside several months (i.e., three or four months to be divided into two or three short-term missions) for a consulting mission, which would secure the services of a renowned specialist, a leading expert in the content of the codes of other countries and in the practices they sanction, who would help to remove any hesitation and to obtain the consent of the civil society partners to provisions which have shown their merit in other legal contexts.

#### ***7.5 Material Resources***

Observation of the LA's operating methods reveals an obvious inadequacy of material resources when measured against the existing human resources. In this area, the LA scarcely differs from the departments of comparable developing nations, where limited resources prevent agents from conducting their professional duties in a manner commensurate with their potential. Additionally, when these resources are called into service, they are not correctly or fully employed because of a lack of training in their use or of operating and maintenance allocations. Under these circumstances, the following considerations take into account both the equipment needs that must be met and the

training and maintenance capabilities that are needed for the extended use of this equipment.

Prior to any equipment purchase, the project must first plan for the renovation of facilities and the installation of infrastructure needed to house it. We should cite under this heading the connection of telephone lines, increased electric power supply, and the ventilation and air conditioning needed to prevent premature wear and breakdowns resulting from exposure of the equipment to extreme temperatures. The project could provide a lump-sum allocation of approximately \$20,000 to be added to the appropriations that the LA will extend to ensure that this work gets done.

The project could make a special allocation intended to provide each branch office with a minimal documentation library. It is surprising to see how the agents working in the outlying offices make decisions, which sometimes cause fateful repercussions as regards conciliation and violations, without ever consulting shared documentary materials that could serve as guides and reference points for them. This shortcoming is the one most often brought up by the managers and agents of the external offices. A major part of this library could be made up of ILO publications. One could reasonably calculate a contribution of \$600 for each of the 45 branch offices, thus giving a total sum of \$27,000 to be allocated to building this library.

The gradual incorporation of the training function mentioned in Paragraph 7.1, above, requires the purchase of equipment of value to the educational effort. This equipment would be added to the equipment already at the Institute of Labor, which has acceptable capacity for receiving students (classrooms, furniture, blackboards). An accurate inventory of missing equipment must still be drawn up; it could, nevertheless, include a transparency projector, a photocopier, a laser printer, and a small conventional printer for the reproduction of educational media. The training courses, which will be held in a few major regions, could take place on the premises of other decentralized public institutions, especially the Regional Centers for Vocational Training. Lacking facilities and equipment that could be given free of charge, the regional training courses could be given in rented space and with rented equipment. Of course, the travel expenses of the agents in training and the training site living allowances would be drawn from the LA budget. Similarly, the ILO project should not have to assume financial responsibility for the travel and housing of the representatives of the civil society partners. The sum allocated for the purchase of training-related equipment could be approximately \$20,000.

A strengthened computerization function, as mentioned in Section 7.2, above, also includes equipment. The LA's central offices have computer hardware, as do a large number of the outlying branch offices. Some twenty offices still need this hardware. If the price of a high-performance microcomputer is held to be about \$3,000, the sum that the project could provide under this heading would be about \$60,000. An additional amount of \$10,000 would go toward the purchase of software. Bulk purchasing would make it possible to negotiate with the manufacturer to see if the latter would pay installation and training costs. The budget also includes costs deriving from connection to the Internet, a connection that would make it possible to build a communications network

among the branch offices and between these offices and LA headquarters. At LA central offices, the Internet connection would be useful for all of the divisions, but it is an especially urgent priority for the international relations division (particularly with the ILO and the Arab Labor Organization (ALO)), which is not in a position to answer, or even to read, emails sent by its correspondents. This matter is just as urgent for the Division of Medicine and Safety, for which access to the Internet represents the means for keeping abreast of new methodologies and for updating and developing its knowledge base. Quite obviously, the telephone-connection fees and, subsequently, the communications fees, would be borne by the LA.

The Division of Medicine and Safety shares the fate of the other LA sections. A shortage of equipment prevents this division from operating at full capacity. In this situation, a high priority is assigned to remedying this shortage, since the under-employment of a highly skilled staff is a serious waste. Moreover, given the high cost of equipment, the purchase of all the hardware needed would be a heavy burden on the Ministry's budget. To equip this department adequately, the sum needed is estimated to be \$300,000.

As a first step, the authorities could reasonably create a fully equipped pilot medicine and safety unit in Casablanca. The unit could, by itself, meet one-half of the country's needs, since it has been estimated that 50% of companies employing more than 50 workers on the payroll are located in precisely that region. Subsequently, a second unit located in Rabat would extend coverage to 80% of Moroccan firms subject to oversight. The most costly equipment consists of instruments used to measure the workplace environment (sound meters, light meters, draggers). It is not absolutely necessary to buy new equipment. A number of companies in the major European countries specialize in buying and reselling used medical devices which are considered to be obsolete by health-care and advanced research institutions, but are perfectly viable for tasks such as medical inspections in moderately advanced countries like Morocco. For the most part, these devices are sold in the peripheral regions of these advanced countries. Used instruments cost between one-third and one-half the prices of new apparatuses.

On the other hand, it appears imperative that this department be supplied with individual protection equipment (helmets, safety boots, earplugs) and with a documentation library comprising occupational medicine reference books and guidebooks on industrial toxicology/and toxic agents in the workplace. The amount that the project could put aside for equipping this initial pilot unit in Casablanca is estimated to be \$60,000.

Mobility is the constraint most acutely felt by the Ministry's branch offices. In 1998, the government decreed, with some well-delineated exceptions, the withdrawal of all ministerial service vehicles. This decision, which was justified on the grounds of economy and to end abuses, was judged to be exaggeratedly draconian. It imposed a lack of mobility on the agencies (such as Workplace Inspection) whose mission required their daily presence at the companies within their jurisdiction. At present, each workplace inspector receives a monthly allowance of \$50, which is supposed to reimburse them for



travel expenses. Given the price of gasoline, this allowance does not pay for even one full tank of gas in a small car, let alone depreciation costs. It is true that many industrialized nations (and, in fact, the majority of them), rather than maintain a large fleet of service vehicles, have opted for a system of lump-sum reimbursement calculated per kilometer and covering gasoline, insurance, and depreciation for all trips conducted for work reasons. The \$50 per month that Morocco pays can in no way be considered a type of fair reimbursement. It can be used to visit companies reachable by bus or group taxi.

The lack of means of travel represents a major obstacle for the Moroccan Workplace Inspection force. It explains the limited number of visits actually made, as well as the virtual absence of inspections in rural areas. Since it aims at improving the Moroccan inspection services, the project should help the LA to supply a vehicle to each of the branch offices. This vehicle is an absolute necessity at each of the 32 offices where there is an inspector charged with conducting inspections of rural firms. It is also a necessity in five or six other branch offices having a high density of business establishments within its district, which can be crossed by motorized two-wheel vehicles (motorcycle or scooter). In order to ensure that the requisite travel will occur in the region, the Director of Labor and each of the four central divisions must, in addition, be supplied with a vehicle. A small vehicle assembled in Morocco (such as a Fiat Uno or Peugeot 206) costs \$7,000, and a motor scooter, \$2,000. The total cost of vehicle purchases would, therefore, be \$310,000 dollars, before any potential discounts for multiple orders. The total bill for all equipment would thus be \$507,000.

The acquisition of these vehicles should be made contingent on two conditions. The first relates to insurance, maintenance, and fuel costs. At the present time, the LA has no funds that could be used for this type of expense, but it foresees the likelihood that the Ministry will provide them. This hope must become a certainty, lacking which the purchase of vehicles would end up being a tremendous waste. The second condition relates to the assignment of the vehicles. Placing a fairly large number of vehicles would arouse the envy of many people within the Ministry. Given that a number of departments think that their work is at least as important a priority as that of the LA, these entities would put pressure on the minister to share this vehicle fleet among the departments in a way that, in their eyes, would be more equitable. To avoid the risk (which is a predictable one, since this phenomenon has occurred in the past) that the vehicles are diverted from their end use as planned by the project, it is absolutely necessary secure the Ministry's commitment, so as to ensure compliance with the intended assignment of this equipment to the LA and to the branch employment offices

Vehicle purchases should not be made at one time, but in batches of ten or twelve at six-month intervals over two years. This staggering of purchases would allow for monitoring, for each batch, the methods of assignment and use. In addition, in the event that, for one reason or another, budgetary or supply problems should arise, the order for the next batch would be cancelled.

Given the diverse nature and the cost of the equipment to be supplied, the project should engage, during the entire duration of the project, the services of a local

administrator of an appropriate grade, who would be responsible for surveying the market, placing orders, accepting the equipment, customs clearance, assignment, follow-up, and finally, the definitive transfer of this equipment to the Labor Administration.

Geneva, December 10, 2002

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**Annex 1****Terms of Reference of the Consultancy Mission**

The consultant shall:

1. Make use of the available documentation and statistics, in particular the activity reports of the workplace inspections.
2. Gather all requisite information regarding the strengthening of the labor administration and of social dialogue by consulting the actors on the scene: managers and officials of the administrative and technical entities belonging to the Ministry, employers' and workers' organization, and official institutions connected with the labor administration.
3. Visit the offices of the Ministry's central and departmental agencies (at least those located in the three towns or regions of greatest significance to the high-priority economic sectors within the context of the cooperative project).
4. Identify the legal and institutional constraints or gaps and assess material resources (including facilities, office, computer and communications equipment, technical instruments, cars, funds available for inspection visits, etc.).
5. At the end of the mission, the consultant shall draft a report (15-20 pages) containing findings about the first-priority technical, legal, and material needs of the Ministry of Employment, Vocational Training, Social Development, and Solidarity, while considering the functions incumbent on the Ministry regarding oversight of workplace standards enforcement and of promotion of community dialogue, in accordance with the terms of the project and the need to implement the improvements expected of the project.

**Annex 2**

**List of Branch Offices Visited**

Rabat  
Salé  
Casablanca Anfa  
Aïn Sebaa Hay Mohammadi  
Derb Soultan el Fida  
Fès Medina  
Zouagha Moulay Yaacoub  
Madina Jdida dar Dbibagh

### **Annex 3**

#### **List of Persons Interviewed**

##### **Labor Administration**

Mr. Mohammed Tadill, Director

##### **Division of Labor Legislation Enforcement Oversight in Manufacturing, Commercial, and Services Sectors**

Mr. Ahmed Bouharrou, Director

Mr. Mostafa Marjaa, Head of the Office of Work-Related Relations in Manufacturing, Commerce, and Services

Mr. Mohcine el Jirari, Head of the Office of Workplace Inspection in Manufacturing, Commerce, and Services

Mr. Abderrahmane Arfi, Administrator, responsible for monitoring the work of the National Committee of Inquiry and Conciliation

Mr. Jahjough el Kebir, Manager, in charge of sector-specific studies

Mr. Bouchra el Bakkali, Manager, in charge of sector-specific studies

Mr. Abdeljebbar Itri, Manager, in charge of sector-specific studies

Ms. Amina Navu, Manager, in charge of statistics

Ms. Hind Cheikhi, Manager, in charge of computer programs

##### **Division of Regulations and International Organizations**

Mr.; Chater el Hadi, Director

Mr. Ahmed, Head of the Office of Labor Legislation

Ms. Saadia Fahem, Head of the Office of International Organizations

##### **Division of Labor Legislation Enforcement Oversight in the Agricultural Sector**

Mr., Barek Ouhajou, Director

Mr. Mohamed Bouatem, Head of the Office of Inspection

Mr. Mimoun Kaissi, Head of the Office of Professional Relations

##### **Division of Occupational Medicine, Hygiene, and Safety**

Dr. Samira Khribech, Director

Dr. Mounia el Kroni, Head of the Office of Occupational Medicine

Mr. Lahsen Moeddine, Head of the Office of Hygiene and Safety

Mahjoub ben Sadikne

Dr. Haroun bel Hadj, Physician-inspector

### **Federation of Moroccan Chambers of Commerce, Manufacturing, and Services**

Mr. Mohamed Boudhaim, Director, Department of Coordination and Outreach  
Mr. Khalil Ibn Yaich, Center for Studies, Information, and Documentation

### **General Confederation of Moroccan Companies (CGEM)**

Mr. Larbi Koullou, Member, Committee on Social Affairs  
Ms. Malika Maleh, Head Researcher, Committee on Social Affairs and Committee on Training

### **Moroccan Workers' Union (UMT)**

Mr. Mahjoub ben Sadik, Secretary General  
Mr. Farouk Shahir, National Secretary

### **Confederation of Workers (CDT)**

Mr. Abdelkader Zayer, Deputy Secretary General  
Mr. Mohamed Bouzla, in charge of coordination with the other unions  
Mr. Brahim Aboussad, Secretary General of the union office in Casablanca

### **Union of Moroccan Workers (UGTM)**

Mr. Mohamed Larbi Kabbaj, Member of the Executive Committee

### **Regional and Prefectorial Offices**

#### **Rabat**

Mr. Abdelouahab Bzioui, Representative

#### **Salé**

Mr. Faisal Rhfir, Representative  
Mr. Idrissi Ny Driss, District Leader  
Mr. Sennan Larbi, Deputy Senior Inspector

#### **Casablanca Anfa**

Mr. Abdelaziz Addoum, Representative  
Mr. Amri Bouchaid, Senior Inspector

#### **Ain Sebaa Hay Mohammadi**

Mr. Moha Aajili, Representative  
Mr. Moustafa Aguida, District Leader  
Ms. Chadia el Ouarzazi, District Leader  
Mr. Ahmed Taissir, District Leader  
Mr. Ahmed Gharbaoui, District Leader

**Derb Sultan el Fida**

Mr. Mohamed Maan, Representative and Chairman of the Inspectors' Association

**Fes Medina**

Mr. Salah Abbassi, Representative

**Zouagha Moulay Yaaccoub**

Mr. Tayeb Bakali, Representative

**Madina jdida dar Dbibagh**

Mr. Mohamed Bacha, Representative

**Annex 4**

[Note: This Annex was blank in French.]